IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 895 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ADIVASI SEVA SANGH THROUGH MANAGING TRUSTEE - Petitioner(s)

Versus

DIRECTOR VIKASTI JATI KALYAN DEPARTMENT & 1 - Respondent(s)

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Appearance :
MR RN SHAH for Petitioner(s) : 1,
MS FALGUNI PATEL for Respondent(s)
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 18/01/2006

ORAL JUDGMENT

1.In the present petition, the petitioner trust has challenged the order dated 31st January 2002 passed by the Commissioner of Tribal Development, State of Gujarat. By the impugned order, recognition of the

Chhatralay run by the petitioner was cancelled. The petitioner appealed against the said decision before the State Government. The appeal also came to be rejected on 11.12.2002. The petitioner sought review of the said order. However, the same was not entertained and communication in this regard was sent on 31.3.2003.

2. Learned advocate for the petitioner submitted that after the said orders were passed, the petitioner has rectified all the defects noticed by the authorities and has also applied afresh for permitting the petitioner to run a chhatralay. It is stated that, however, such request is not being considered since the impugned orders have been passed against the petitioner.

3. The order cancelling the recognition was passed in January 2002 and the appeal of the petitioner against the said order was also rejected in December 2002. Presently, therefore, the situation would have changed. It would, therefore, not be necessary or appropriate to opine on the impugned orders on the basis of the material available at that time. Especially when the petitioner has made out a case that after rectifying the defects noticed by the

authorities, the petitioner has once again approached the authorities for grant of recognition, I find it appropriate to dispose of the petition by directing the authorities to consider such an application of the petitioner in accordance with law unmindful of the earlier impugned orders passed. Decision in this regard may be taken expeditiously.

4. With these directions, the petition is disposed of. Rule is made absolute to the above limited extent with no order as to costs.

(Akil Kureshi, J.)

(vjn)